**12-3A. Civil Judicial Enforcement Actions, Including Collection Actions
(1200 TN 350 12-3A)**

1. **AUTHORITY**.

   a. To request the Attorney General to appear and represent the agency in any civil judicial enforcement action and to intervene in any civil enforcement action instituted under the Toxic Substances Control Act, including an action to collect unpaid penalties; and

   b. To request the AG to decline to prosecute a previously referred civil judicial enforcement action, or to cease prosecution of a previously filed enforcement action.

2. **TO WHOM DELEGATED**. Deputy Regional Administrator.

3. **LIMITATIONS**.

   a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising these authorities. The RC may waive concurrence in writing.

   b. The OECA AA must notify the appropriate RA prior to exercising these authorities.

   c. The RAs must notify the OECA AA prior to exercising the authority in 1(b) and when exercising the authority in 1(a). The OECA AA may waive the notification in writing.

4. **REDELEGATION AUTHORITY**.

   a. The authorities in 1(a) and (b) may be redelegated to the associate director level and no further. The authority may not be redelegated without formal amendment.

   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES**.

   a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).

   b. Sections 16, 17, and 20 of TSCA.

   c. See the Chapter 12 delegation entitled "Emergency TRO's" for RAs' authority to make direct referrals of requests for emergency TSCA Temporary Restraining Orders.

   d. For imminent hazard actions under Section 7 of TSCA, see the Chapter 12 delegation entitled "Imminent Hazard Actions."

Date: __4/11/2017__

Cecil Rodrigues
Acting Regional Administrator